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THE ANDHRA PRADESH GAZETTE
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AMARAVATI, WEDNESDAY, OCTOBER 16, 2019

G.326

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
POLICE DEPARTMENT
COMMANDANT., 3. A.P.S.P. KAKINADA.

O.E. AGAINST SRI S.RAMESH, PC 2281 OF A'COY., FOR HIS GROSS MISCONDUCT - FURTHER WRITTEN STATEMENT OF DEFENSE - CALLED FOR - REGARDING

Rc.No.35/PR/2018.

Dated : 16-08-2019

SHOW CAUSE NOTICE

Ref:- Minutes/Report of E.O. Sri B.Vithaleswerarao, RI, 3APSP. Kakinada dt. 05/08/2019 received in this office on 06-8-2019.

I provisionally agree with the findings of the Enquiry Officer.

A copy of the Minute / report drawn by the Enquiry Officer against you is sent here with induplicate.

You are directed to acknowledge the receipt of the Minute/report on duplicate and submit your further written statement of defense, if any, within (7) seven days from the date of receipt of the Show Cause Notice failing which, it will be presumed that you have no further written statement of defense to offer and the O.E.P.Roll against you will be disposed off basing on the merits of the case.

B. SREERAMA MURTHY,
Commandant,
3 A.P.S.P. Kakinada.

To,

Sri S. Ramesh, PC 2281 of A'Coy. (induplicate) along with OE minutes (Induplicate) to his residential address by way of register post. Oc A'Coy for information.

POSTAL ADDRESS

S.Ramesh,PC-2281
S/O Suryanarayana
AVIDI (V), Kothpeta(M)
Eg.Dt., AP, 533223

MINUTES OF B.VITHALESWARA RAO, ENQUIRY OFFICER, RESERVE
INSPECTOR, 3RD BN. APSP., KAKINADA, IN THE ORAL ENQUIRY AGAINST
SRI S. RAMESH, PC 2281 OF 'A' COMPANY, 3RD APSP., KAKINADA.

MINUTES

PR NO 35/PR/2018 : DATED: 11/12/2018
Enquiry Officer Sri B.Vithaleswara Rao, Reserved Inspector 3rd Bn.
APSP, Kakinada.

Charged Officer : Sri S.Ramesh PC-2281 of "A" Coy 3 APSP

Presenting Officer : No Presenting Officer was appointed in
terms of rule 20(5)(C) of APCS (CCA) rule 1991.

Defense Assistant : No defense assistant was engaged by
Charged Officer In terms of rule 20(8)(b) of
APCS (CCA) rules 1991.

ANNEXURE-I

Statement of article of charge framed against Sri S. Ramesh PC-2281 of
"A" Coy 3 APSP Kakinada.

BASIS OF CHARGE:

Sri S. Ramesh PC-2281 of "A" Coy 3 APSP, Kakinada who was discharging
duties at Kakinada avail one day holiday permission on 12/08/2018. Insead of reporting
to duty on 12/08/2018AN he became absent without taking any leave or permission
from his superiors. Hence he was treated as AWL w.e.f. 12/08/2018AN. As per the
report of oc "A" coy vide Lr.NO.8/ A/2018.Dated:03/09/2018, the individual did
not report the duty after completion of (21) days and declared as deserter
w.e.f. 12/08/ 2018AN,Vide.D0.N0.436/2018,RC.No.496/ A5/ 2018,Dated:10/09/2018
as per order number 184 of APPM Volume NO.1. The desertion order while to
serve at the house address / Leave address of the above said PC the desertion

copy was acknowledged by the father of the above Pc by name Sri S. Surya Narayana on 19/09/2018 by stating that is son not living with them and is whrer abouts are not known and mobile also not working. The said Pc did not report for duty to till date.

Thus his action in absenting from duties and deserting the force are highly reprehensible and shows his gross negligence and dereliction towards duty and thereby violating Rule 3 of APCS (Conduct) Rules, 1964.

Hence the Charge.

ANNEXURE- II

List of documents by whom the article of charge framed against Sri S. Ramesh PC-2281 of "A" Coy 3 APSP, Kakinada is proposed to be sustained.

- 1) Lr. C.No.09/File-A/2018, dated 13/08/2018 OC "A" Coy 3 APSP, Kakinada.
- 2) Lr. C.No.08/File-A/2018, dated 03/09/2018 OC "A" Coy 3 APSP, Kakinada.
- 3) Desertion DO No. 436/2018, in Rc.No.496/ A5/2018, dated 10/09/2018 of the Commandant 3rd Bn, APSP, Kakinada.

ANNEXIRE III

List of Witnesses by whom the article of charge framed against Lr. C.No.09/File-A/2018, dated 13/08/2018 OC "A" Coy 3 APSP, Kakinada.

- 1) Officer commanding of A coy.
- 2) A5 Jr.Asst of 3rd Bn APSP. Kakinada

I was appointed as an enquiry Officer Vide Proceeding Rc.No. 35/PR/2018 dated: 28/03/2019 by the Commandant 3rd Bn APSP, Kakinada to conduct regular Oral Enquiry against Sri S. Ramesh Pc-2281 of "A" Coy 3 APSP, Kakinada to arrive at the truth of the case. Before me Sri V. Vijaya Prasad Asst.Commandant was appointed as enquiry officer to this casevide Rc.No. 35/PR/2018,Dated 23/03/2019 and had fixed the OE dates to condut OE on 06/02/2019 & 07/02/2019 at "A" coy Hqrs kukkunoor and it was served to the father of Pc-2281 on 4/02/2019 due to pc 2281 not available at his home address and also charged officer has absented for that OE.

I have also fixed OE dates by three times dated Vide C.No.121/OC- F coy/ 2019.Dated-22/04/2019,23/04/2019 at "F"coy Hqrs Vijayawada and 2nd time dates on 02/05/2019 and 03/05/2019 at Bn Hqrs Kakinada and the memos were acknowledged by the father of charged officer Pc-2281 3rd time I have conducted OE on 14.05.2019 and 15.05.2019 at Bn HQ kakinada on basis of the documents and oral evidences adduced before me and recorded the the statements from the folowing P.Ws, but the charged Officer Sri S. Ramesh pc - 2281 of A Coy 3 APSP has absented for the OE and where abouts he not Known. Again 4th time fixed the date

of O.E on 06.06.2019 & 07.06.2019 and the memo in C.No.121/ OC-F coy/PR/2019, Dated-21.05.2019 sent to the PC- 2281 through the register post in bearing no.RN 858599430 IN to his home address (Sajjala Ramesh PC-2281 S/o Suryanarayana, Avidi Village, Kothapeta mandal, Amalapuram, E.G.Dist. PIN No,533223 but it was returned to the OC E coy duly stated that addressee not living; in this village so returned to the sender Dated-27.05.2019 by the postal Authority). After that I have submitted a report to the Commandant 3rd Bn APSP duly established above fact and to publish the same in the AP Gazette Vide CNo 7/ E-file/2019, Dated-01.06.2019. The Commandant also addressed a letter to the commissioner printing and stationary (AP) Mutyalampadu Vijayawada publish the same in the AP Gazette Vide letter Rc.no.35/PR/2018, Dated-26.06.2019. The following is the substance of the statements of P.Ws which were recorded during the Course of Oral Enquiry on 15.05.2019 as exparte.

P.W-1 STATEMENT OF SRI B. SURYA CHANDRA SHEKARA RAO RI OC

'A' COY 3rd APSP, KAKINADA, AGE 48 YEARS S/O NARASIMHA

MURTHY, DEPOSED AS FOLLOWS.

He deposed in his statement that he has been working as Officer Commanding "A" Coy from 05/2017. Pc 2281 S.Ramesh as requested for sanction of one day holiday permission w.e.f. 11.08.2018AN to steel his family problems while the 'A' Coy staying at Bn HQ kakinada. Accordingly he was permitted to Avail one day holiday permission w.e.f. 11.08.2018AN to 12.08.2018AN up to 1800Hrs. He is due back for duty on 12.08.2018 AN. Instead of reporting for duty he became absented. The same information was submitted to the Bn office vide Lr.No.9/fil-A/18 dated 13.08.2018 and again the pc has completed 21 days of absent period by 02.09.2018AN, but not reported pc for duties. The same was submitted to the bn office with request to publish the desertion DO vide Lr No. 08/A/18 dated 03.09.2018. A desertion order in DO No 436/18 Rc No 496/A5/18, dated 10.09.2018 has received from Bn office. The same was sent to the home address on of the Pc 2281 but the pc not traced at his home address hence it was served to the father of Pc 2281 namely S.Suryanarayana on 19.09.2018, and the same the date of Ack has submitted to Bn office vide Lr.No.07/A/2018 Dated 22.09.2018. After that an article of charge against pc 2281 in Rc No. 35/PR/2018 dated 11.12.2018 received from Bn office, it was Acknowledged by the pc 2281 on 23.12.2018 and the same was submitted to the Bn office vide Lr. No. 7/A/18 dated 24-12-2018. Return explanation for that article of charge has submitted by the pc 2281 has also submitted to Bn Office vide Lr.No.7/A/2019 dated 05.01.2019. After that E.O. Officer Sri V. JAYA PRASAD Asst CMT, has sent a memo in Lr.No.5/A C A&E Coys/PR/ 2019 dated 01.02.2019. Duly fixing the OE to conduct at 'F' Coy Hq. Kukunoor on 06.02.2019 and 07.02.2019. The same has sent to the pc 2281 to his home address but the pc has not available at his home address so it was served to his father namely S. Suryanarayana on 04.02.2019. the same was submitted to the OE officer. After that

OE Officer Sri.B.VITHALESWARA RAO. RI 'F' Coy sent a memo vide Lr.No.121/Oc 'F'coy/PR/19 dated 05.04.2019 duly fixing the OE to conduct at 'F' coy Hq at Vijayawada on 22.04.2019 and 23.04.2019 the same was sent to the home address pc 2281 through the HC 4439 K.P.Babu to serve the pc 2281, but the pc not available in his home address, the same was served to the father of pc 2281 on 16.04.2019. Again a memo in C.No.121/Oc - F coy /PR/19 dated 25.04.2019. duly second time fixing the OE dates to conduct at bn Hq kakinada on 02.05.2019 and 03.05.2019. The same was sent to the home address of the pc 2281 through pc 2532 B.R.Muthy, the same was serve to the father of pc 2281 on 01.05.2019 due to none availability pc 2281 at his home. Again a memo was sent by the OE Officer to 'A'coy by third time fixing the OE Dates in C.No.121/Oc- F coy/19 dated 03.05.2019 to conduct OE on 14.05.2019 and 15.05.2019 at Bn Hq Kakinada, to serve the pc 2281. The same was sent to the home address of Pc 2281 by the pc 4439 S.Ramesh Babu, but the pc not available at his home hence the same was served to the father of pc 2281 on 08.05.2018 the same ACK has submitted to the OE Officer. The father of Pc 2281 has stated that witch kind of PR proceedings were being sent to serve the pc 2281 to his home address, the pc was not traced at his home, and not contacting any phone calls to his parents also. This is the fact and there is personal interest in this matter.

There is no cross examination between Charged Officer and Deponent, because the charged officer pc 2281 Sri. S.Ramesh has absented for O.E.,

PW-2 STATEMENT OF Smt.D.TARANGINI A5-Jr.ASST. 3RD APSP KAKINADA., D/o SATYANARAYANA Late AGE 29 YEARS DEPOSED AS FOLLOWS.

She deposed in her statement that, she has been working as Leave Clerk A5 Jr Assistant in 3rd Bn APSP, Kakinada from 13-10-2016. She has received an absent report in respect of PC 2281 Sri.S.Ramesh of "A" Coy to Bn Office in Lr C.No 9/Fil-A/2018 dated 13/08/2018 from Oc 'A' Coy as treated as absent w.e.f. 12/08/2018 AN. Later she received that as the Charged officer completed desertion period of 21 days by 02.09.2019AN, a report was received from OC "A"Coy in Lr.C.No 8/A/2018 dated 03/09/2018.with request to publish desertion orders against pc 2281. Accordingly she preferred a note to the commandant 3rd Bn apsp and got desertion orders vide DO.No.436/2018 Rc no 496/A5/2018 dated 10.09.2019.Such desertion orders sent to Oc 'A' Coy and the same date of acknowledgement which was ACK by Sri.Suryanaranya father of pc2281 on 19.09.2018. After that the full file sent to the PR clerk of 3rd Bn APSP, this is the fact. There is no the personal interest in this mater.

There is no cross examination between Charged Officer and Deponent, because the charged officer pc 2281 Sri. S.Ramesh has absented for O.E.,

Case of the dependent and assessment of the evidence

During the course of Oral Enquiry the charged officer not attended for OE even though four times fixing the date of O.Es to conduct against charged officer pc 2281

Sri. S.Ramesh. Again 4th time fixed the date of O.E on 06.06.2019 & 07.06.2019 and the memo in C.No.121/ OC-F coy/PR/2019, Dated-21.05.2019 sent to the PC-2281 through the register post in bearing no.RN858599430IN to his home address (Sajjala Ramesh PC-2281 S/o Suryanarayana, Avidi Village, kothapeta mandal, Amalapuram, E.G.Dist. PIN No,533223 but it was returned to the OC E coy duly stated that addressee not living in this village so returned to the sender Dated- 27.05.2019 by the postal Authority). After that I have submitted a report to the Commandant 3rd Bn APSP duly established above fact and to publish the same in the AP Gazette Vide C.No 7/ E-file/2019, Dated-01.06.2019. The Commandant also addressed a letter to the commissioner printing and stationary (AP) Mutyalampadu, vijayawada to publish the same in the AP Gazette Vide letter Rc.no.35/ PR/2018, Dated-26.06.2019 even after also he did not reported for duty are not attended for OE, So he exhibited gross negligence and not interested to continue in his job through the above facts.

CASE ANALYSIS:-

I have carefully gone through the statements of the PW's recorded during the course of Oral Enquiry and connected records pertaining to this case, It is a case of desertion. After gone through the evidence it is a fact that the PC 2281 Sri S.Ramesh of "A" Coy sanction of one day holiday permission w.e.f. 11.08.2018AN to steered his family problems while the 'A' Coy staying at Bn HQ kakinada. Accordingly he was permitted to Avail one day holiday permission w.e.f. 11.08.2018AN to 12.08.2018AN up to 1800Hrs. He is due back for duty on 12.08.2018 AN .Instead of reporting for duty he became absented. The same information was submitted to the Bn office vide Lr.No.9/fil-A/18 dated 13.08.2018 by the OC A coy, and again the pc has completed 21 days of absent period by 02.09.2018AN, but not reported pc for duties. The same was submitted to the bn office with request to publish the desertion DO vide Lr No. 08/A/18 dated 03.09.2018, by the OC A coy. A desertion order in DO No 436/18 Rc No 496/A5/18, dated 10.09.2018 has received from Bn office. The same was sent to the home address on of the Pc 2281 but the Pc not traced at his home address hence it was served to the father of Pc 2281 namely S.Suryanarayana on 19.09.2018 and the same the date of Ack was submitted to the Bn office vide Lr.No.07/A/2018 Dated 22.09.2018, By the OC A coy .After that an article of charge against Pc 2281 in Rc. No 35/PR/2018 dated 11.12.2018 received from Bn office, it was Acknowledged by the Pc 2281 on 23.12.2018 and the same was submitted to the Bn office vide Lr.No 7/ A/18 dated 24.12.2018. Retun explanation for that article of charge has submitted by the Pc 2281 has also submitted to Bn office vide Lr.No.7/ A/2019 dated 05.01.2019 by the OC A coy. After that O.E Officer Sri. V. JAYA PRASAD Asst CMT, has sent a memo in Lr.No.5/A C A & E Coys/PR/2019 dated 01.02.2019. Duly fixing the OE to conduct at 'F' Coy Hq Kukunoor on 06.02.2019 and 07.02.2019. The same has sent to the Pc 2281 to his home address by the OC A coy, but the Pc has not availble at his home address so it was served to his father

namely S.Suryanarayana on 04.02.2019, the same was submitted to the OE officer. After that OE Officer Sri.B.VITHALESWARA RAO. RI 'F' Coy sent a memo vide Lr.No.121/Oc 'F'coy/PR/19 dated 05.04.2019 duly fixing the OE to conduct at 'F'coy Hq at Vijayawada on 22.04.2019 and 23.04.2019 the same was sent to the home address Pc 2281 through the Hc 4439 K.P.Babu to serve the Pc 2281, but the Pc not available in his home address, the same was served to the father of Pc 2281 on 16.04.2019. Again a memo in C.No.121/Oc - F coy /PR/19 dated 25.04.2019.duly second time fixing the OE dates to conduct at bn Hq kakinada on 02.05.2019 and 03.05.2019.The same was sent to the home address of the Pc 2281 through pc 2532 B.R.Muthy, the same was serve to the father of Pc 2281 on 01.05.2019 due to none availability Pc 2281 at his home. Again a memo was sent by the OE Officer to 'A'coy by third time fixing the OE Dates in C.No.121/Oc- F coy/19 dated 03.05.2019 to conduct OE on 14.05.2019 and 15.05.2019 at Bn Hq Kakinada, to serve the Pc 2281 .The same was sent to the home address of Pc 2281 by the Pc 4439 S.Ramesh Babu, but the Pc not available at his home hence the same was served to the father of Pc 2281 on 08.05.2018 the same ACK has submitted to the OE Officer. The father of Pc2281 has stated that witch kind of PR proceedings were being sent to serve the pc 2281 to his home address, the pc was not traced at his home, Again 4th time fixed the date of O.E on 06.06.2019 & 07.06.2019 and the memo in C.No.121/ OC-F coy/PR/ 2019, Dated-21.05.2019 sent to the PC-2281 through the register post in bearing no.RN858599430IN to his home address (Sajjala Ramesh PC-2281 S/o Suryanarayana, Avidi Village, kothapeta mandal, Amalapuram, E.G.Dist. PIN No,533223 but it was returned to the OC E coy duly stated that addressee not living in this village so returned to the sender Dated- 27.05.2019 by the postal Authority). After that I have submitted a report to the Commandant 3rd Bn APSP duly established above fact and to publish the same in the AP Gazette Vide C.No 7/ E-file/2019,Dated-01.06.2019. The Commandant also addressed a letter to the commissioner printing and stationary (AP) Mutyalampadu, Vijayawada to publish the same in the AP Gazette Vide letter Rc.no.35/ PR/2018, Dated-26.06.2019 so I have completed this OE as exparte on basing of the records.

Findings of the Enquiry Officer:-

In view of the above facts and evidence adduced during the course of Oral enquiry I hold the charge leveled against the Charged Officer in ANNEXURE -I of the article of Charge RC No:35/PR/2018 dated: 15/12/2018 of Commandant 3rd Bn APSP Kakinada is "PROVED" as exparte.

Certified that the procedure prescribed under rule 20 of APCS (CCA) rule 1991 is strictly followed.

B. VITHALESWARA RAO,
Reserve Inspector of Police,
"E" coy, 3 APSP., Kakinada.

PROCEEDINGS OF THE COMMANDANT, 3rd Bn., APSPF., KAKINDADA.

Do.No 616/2019

Rc.No.35/PR/2018,

Dated : 07-09-2019.

Sub:- 3APSP:Kakinada- Disciplinary action against Sri S Ramesh PC 2281 A' Coy., 3.APSP under Rule 20 of APCS (CC&A) Rules 1991 for his gross negligence of duty/ gross Misconduct - Final Orders-Issued.

Read: 1) Articles of charge memo RC.No.35/PR/2018, dt.11.12.2018.
 2) Appointment of E.O in RC.No.35/PR/2018,dt. 28.03.2019.
 3) O.E. Minutes/Report of E.O dated 05.08.2019.
 4) Show Cause Notice in RC.No.35/PR/2018 Dt. 16.08-2019.
 5) Further written explanation of charged officer not submitted.

** ** *

ORDER:-

The delinquent Sri S Ramesh PC 2281 of A' Coy., 3.APSP Kakinada, as handed upon a charge under Rule 20 of APCS(CC&A)Rules, 1991 for the following delinquency.

"That Sri S.Ramesh, PC-2281 of A'coy, 3.APSP.Kakinada who was discharging his duties at Kakinada, availed one day holiday permission on 12-08-2018. Instead of reporting to duty 12-08-2018 AN he became absent without taking any leave or permission from his superiors. Hence he was treated as AWL wef. 12-08-2018 AN. As per the report of the OC A' coy vide Ir.No.8/A/2018 dt.03-09-2018 the individual didn't report for duty i.e., after completion of 21 days and declared as deserter wef. 12-08-2018 AN vide this office Do.No.436/2018 in RC.No.496/A5/2018 dt. 10-09-2018 as per order No 184 of APPM Vol-I. The desertion order while to serve at the house address/ leave address of the above said PC, the desertion copy was acknowledged by the father of the above PC by name Sri.S.Suryanarayana on 19-09-2018 by stating that his son not live with him and his whereabouts are not known and mobile also not working. The said PC didn't report for duty to till-date.

The charge memo was acknowledged by the charged officer on 23.12.2018 and not submitted his written explanation within a prescribed period. Hence, Sri V.Jayaprasad, Asst. Commandant, 3APSP Kakinada has appointed as Enquiry Officer to conduct O.E against the charged officer on 23.01.2019 but due to transfer of EO another Enquiry officer Sri B.Vithaleswra Rao RI has been appointed vide reference. 2nd cited.

The charged officer has been called by the Enquire officer to attend the Oral Enquiry vide memo Rc.No.121/OCFcoy/PR/2019 dt 25.04.2019,05.05.2019,21.05.2019 but he did not attend before enquiry officer or to inform his whereabouts to enquiry officer. Hence Ex-parte OE has been conducted by the enquiry officer.

Accordingly Enquiry officer has conducted the O.E duly examining P.Ws, Prosecution exhibits, defense exhibits and submitted minutes/report to the disciplinary authority vide reference 3rd cited duly stating that the charges leveled against the charged

officer were proved. Subsequently Show cause Notice issued to the charged officer along With the copy of the minutes/enquiry report of the E.O (Induplicate) vide reference 4th cited duly calling for his further written statement of defense, if any.

Since the charged officer is absenting his legitimate duties and the show cause notice along with OE minutes has been sent by the Registered post in No.CA819169963IN dt. 17.08.2019 and same was delivered to his address on 19.08.2019. so far no further written statement from charged officer nor informed any mode of communication to the disciplinary authority.

I have gone through the Articles of Charge, Enquiry report, and connected records on. file. The O.E. has been proved. I agreed with the findings of the Enquiry officer.

In the desertion order No.436/18 dt.10.09.2018 the delinquent has informed that if he has got any intension to joining duty, he should report before the undersigned on any working day within two months from the date of desertion i.e, 12.08.2018 or one month from the date of issue of desertion order i.e., 10.09.2018 whichever is earlier. But the charged officer didn't appear before the discipline authority regarding his duties. It appears that he doesn't have any intension to rejoin his duties. Being a responsible Government employee working in the well disciplined uniformed force as Police Constable absenting for duties cannot be exonerated and more over he didn't report for duty till date i.e., after a lapse of more than one year.

In GO.Ms.No.260GAD(Ser-C) Dept., Dated 04-09-2003 says that the penalty of Removal from service shall be imposed to the Government employee where willful, prolonged absence of continuous period exceeding one year as per the procedure laid down in the APCS rules 1991.

Hence, the charged officer is awarded with the punishment of "Removal from Service" with immediate effect for his gross misconduct in desertion of duties for unauthorized absent for more than one year.

The desertion/ unauthorized absence period from 12.08.2018 An to till the date of issue of this order is treated as Leave without Pay.

"Certified that the procedure laid down in rule 20 of APCS (CC&A) Rules 1991 has been strictly followed".

B. SREERAMA MURTHY,
Commandant,
3rd Bn. A.P.S.P. Kakinada.

TO

Sri S Ramesh PC 2281 of A' Coy, 3.APSP (induplicate) through OC A' Coy, He will serve this proceeding to the above PC and submit the dated acknowledged copy to this office at the earliest.

Sri S.Ramesh PC2281 s/o suryanaryana, Avidi Village, Kothapeta mandal. EG. AP., 533223 by RP with RP with Ack due.